

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ROBERT VANDERPLOEG,

Plaintiff,

vs.

NASA POINT, L.P.

Defendant.

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Case No. 4:20-CV-02474

**DEFENDANT’S RESPONSE TO THE PLAINTIFF’S MOTION FOR AN ORDER  
TO SHOW CAUSE WHY DEFENDANT, NASA POINT, L.P., SHOULD NOT BE  
HELD IN CONTEMPT**

Defendant, NASA POINT, L.P. (“Defendant”), by and through undersigned counsel, hereby files this Response to Plaintiff’s, ROBERT VANDERPLOEG (“Plaintiff”) Motion for an Order to Show Cause Why Defendant, NASA POINT, L.P., Should Not Be Held in Contempt (“Motion”) and, for the reasons stated herein, respectfully requests the Court dismisses Plaintiff’s Motion.

1. Defendant, in this case, has received only three legal documents from Plaintiff: Complaint on September July 20, 2020, Order of Clerk Entry of Default in the end of September, 2020, and Plaintiff’s Motion for Show Cause on December 9, 2021. Defendant was served of those three legal documents at 2945 N. Island Drive, Seabrook, Texas 77586-1637. *See* Exhibit A: Affidavit of Biao Li, president of NASA POINT, L.P.

2. Defendant was not informed of, or served by Plaintiff, of any other legal documents other than the aforesaid documents.

3. Given facts that Plaintiff filed his Verified Motion for Attorney's fees and Costs Against Defendant on April 2, 2021, while the Court issued its Order Granting Plaintiff's Motion for Attorney's Fees and Costs on August 26, 2021, Defendant was not informed of those two legal documents.

4. Plaintiff's failure to inform Defendant, and insufficient service process of his Verified Motion for Attorney's fees and Cost and the Court Order of his motion, deprived Defendant of its right to respond to Plaintiff's motion and the Court Order accordingly pursuant to Fed. R. Civ. P. 60(b)(1)-(3). 92 F.3d 57, 61 (2d Cir. 1996).

5. Plaintiff, in his Motion, states that Plaintiff mailed two notices to Defendant regarding the collection of Attorney's fees and Costs on March 11, 2021 and on September 10, 2021. Both notifications were mailed to NASA POINT, L.P., c/o Biao Li, Registered Agent at 1202 Eagle Lakes Drive, Friendswood, Texas 77546. Registered Agent, Biao Li, and any persons associated with NASA POINT, L.P., have never stayed in this premise since August 20, 2008, when the property was transferred by NASA POINT, L.P. A true copy of history of ownership of the property located at 1202 Eagle Lakes Drive, Friendswood, Texas 77546 was displayed by Galveston CAD, Texas. *See* Exhibit B.

6. The Registered Agent, Biao Li, filed a change of the registered office of NASA POINT, L.P. to 2945 N. Island Drive, Seabrook, Texas 77586-1637 on or around July 27, 2016. A true copy of Certificate of Filing of NASA PPOINT, L.P. to change of Registered Office was issued by the State of Texas. *See* Exhibit C. As such, Defendant has never received Plaintiff's notices, mailed by Plaintiff on March 11, 2021 and on September 10, 2021, regarding the collection of his attorney's fees and costs.

7. Pursuant to this Court's power to release Defendant of Plaintiff's Motion because Defendant was not notified of Plaintiff's notifications regarding the collection of his attorney's fees and costs. Fed. R. Civ. P. 60(d)(2). It is unfair and unjust if this Court grants Plaintiff's Motion, therefore.

WHEREFORE, Defendant respectfully requests that this Court dismiss Plaintiff's Motion for an Order to Show Cause Why Defendant, NASA POINT, L.P., Should Not Be Held in Contempt and reserving the right for Defendant to seek attorney's fees and costs in connection with this baseless Motion.

**VERIFICATION**

I, Niey-Bor Hsyung, pursuant to 28 U.S.C. §1746, hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and this declaration was executed in Harris County, Texas on December 28, 2021.



Niey-Bor Hsyung

Respectfully submitted on this 28<sup>th</sup> day of December, 2021.



Niey-Bor Hsyung  
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NASA POINT, L.P.  
c/o Biao Li, Registered Agent  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of foregoing was filed electronically using the CM/ECF system on this 28<sup>th</sup> day of December, 2021, and e-mailed and mailed via certified mailed returned receipt request on December 28, 2021 to Plaintiff, at the following e-mail address and mailing address:

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